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Colusa County Pesticide Regulatory Program 2007/2008 Performance Evaluation Report

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October 7, 2008

Performance Evaluation of the Colusa County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of Colusa County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for the fiscal year 2007/2008. The assessment evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Standards Compendium.

I. Summary Report of Core Program

A) Restricted Materials Permitting:

The restricted materials permitting program element was found to meet DPR standards and work plan goals.

B) Compliance Monitoring:

The compliance monitoring program element was found to meet DPR standards and work plan goals.

C) Enforcement Response:

The enforcement response program element was found to meet DPR standards and work plan goals.

Summary Statement:

Colusa CAC's program is currently effective at delivering the local enforcement program of the state.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

1) Permit Issuance:

The Colusa CAC permit issuance procedures and performance were evaluated through observations and interviews of staff and found to conform to DPR standards and expectations. One Assistant CAC and five full-time biologists issue permits and all possess Pesticide Regulation and Investigation and Environmental Monitoring licenses. The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law; and
- Permit amendments follow approved procedures.

2) Site Evaluation:

The Colusa CAC site evaluation procedures were evaluated through observations, records review, and interviews of staff and found to conform to DPR standards and

expectations. The CAC issued 549 restricted materials permits and 59 operator identification numbers during FY 07/08. The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC staff adequately evaluated and determined if the use of feasible alternatives was required. The program reviews all Notices of Intent (NOIs) in a timely manner and adequately monitors agricultural and nonagricultural permits utilizing preapplication site evaluations and use monitoring inspections.

B) Compliance Monitoring:

1) Inspections:

The Colusa CAC permit inspection procedures and performance were evaluated through DPR oversight inspections and record review and found to conform to DPR standards and expectations. All biologists possess Pesticide Regulation and Investigation and Environmental Monitoring licenses. One biologist works as the lead person in PUE. The lead biologist informs the Assistant CAC if violations are determined. Inspections are performed according to DPR policies and procedures and inspection reports are complete and comprehensive. The inspections adequately provide the information necessary to successfully prosecute violations.

Inspections performed by the CAC were found to:

- Adequately address label, law, and regulatory requirements;
- Include interviews of employers and employees as appropriate;
- Adequately document violations; and
- Include appropriate follow-up inspections and procedures.

Colusa CAC staff use cellular phones when in the field to inform other staff of pesticide applications and observations.

2) Investigations:

The Colusa CAC investigation procedures and performance were evaluated through observations, records review, and interviews of staff and found to conform to DPR standards and expectations. The CAC investigates all complaints and completes inspection reports in a timely manner. The CAC notifies DPR and other agencies as required.

Investigations are thorough, complete, and submitted on approved forms and in an approved format. The investigations document violations and the CAC collects evidence according to DPR standards. The investigations adequately provide information necessary to successfully prosecute violations.

C) Enforcement Response:

The Colusa CAC enforcement response was evaluated through observations, records review, and interviews of staff and found to meet DPR standards and expectations.

The CAC's enforcement response was found to:

- Sufficiently support compliance; and
- Adequately protect the public and the environment.

Although Colusa County's enforcement response element meets DPR standards, there were two incidents in which the Colusa CAC failed to follow the Enforcement Response Regulation (ERR) and DPR policy. Pesticide Enforcement/Compliance Action Summary data submitted to DPR indicates:

- The CAC failed to initiate appropriate action when laboratory analysis confirmed drift had occurred.
- The CAC determined that an employer's failure to provide a closed system as required by a pesticide label was a Class C violation, rather than a more appropriate B violation.

III. Recommendations:

Recommendations include adherence to the Enforcement Response Regulation to ensure uniform enforcement response throughout the state.

IV. Non-Core and Desirable Activities

Desirable non-core activities include increased outreach to maintenance gardeners and structural pest control operators.